

MEMORANDUM OF UNDERSTANDING
between the
U.S. Environmental Protection Agency
and the
Appalachian Regional Commission

I. Purpose

The purpose of this Memorandum of Understanding (MOU) is to establish a general working agreement between the United States Environmental Protection Agency (EPA) and the Appalachian Regional Commission (ARC) to coordinate their policies and activities in support of brownfields assessment, cleanup, and redevelopment.

II. Background

Brownfields are abandoned, idled, or under used industrial and commercial properties where redevelopment is complicated by real or perceived environmental contamination. Because of the stigma of contamination and other barriers to redevelopment, brownfields remain unproductive, blighting communities while developers resort to the use of “greenfields,” or open space outside of cities for development purposes.

EPA’s Brownfields Economic Redevelopment Initiative seeks to protect the public health and environment by assisting communities in assessing, cleaning up, and redeveloping brownfields, thereby creating jobs, encouraging private investment, and expanding local economies.

The Appalachian Regional Commission is an economic development agency, which seeks to equip citizens and communities in rural and distressed areas across the 13-state Appalachian region with the resources needed to create self-sustaining local economies. ARC works with its state partners, local development districts (multi-county development organizations), the region’s communities and other grassroots organizations to provide them with the tools necessary to foster community and economic development, creating jobs and improving the quality of life for Appalachian residents. ARC recognizes brownfields cleanup and redevelopment as an important economic tool for rural areas, helping the region’s communities to create new jobs, expand the local tax base, and improve their environment.

Since 1995, the Brownfields Initiative has leveraged more than \$1.8 billion in private funds for cleanup and redevelopment, and more than 5,000 jobs have been created from federal brownfields investment. In general, most of this cleanup and redevelopment has occurred in urban and suburban areas, with rural areas experiencing less brownfields cleanup activity.

A coordinated effort between EPA and ARC will help facilitate brownfields cleanup and redevelopment activity in rural and distressed areas throughout Appalachia. This agreement will serve as a model to respond to the needs of rural and distressed areas and increase brownfields cleanup and redevelopment in Appalachian communities.

III. Agreement

EPA and ARC agree to work together to address the obstacles of brownfields cleanup and redevelopment in Appalachian communities. This may include, to the extent authorized by law:

- A. Building on the current working relationship between EPA and ARC, the two agencies will create a formal working group to craft a joint brownfields strategy. This strategy would define the mechanisms for coordinating the activities of EPA and ARC and would link brownfields activities with rural economic development, including implementation of the Brownfields Initiative.
- B. Jointly identify and implement actions that link brownfields activities with rural economic development. These actions may include:
 - support, including technical assistance, information sharing and workshops, to increase the awareness of brownfields cleanup and redevelopment programs and benefits;
 - support, including financial and technical assistance, for Appalachian communities, local development districts, and other grassroots organizations to develop proposals for integrating brownfields assessments and cleanup with economic development planning;
 - coordination of joint activities between Appalachian states, local development districts and EPA field staff in order to help implement brownfields redevelopment projects at the local level;
 - support, including financial and technical assistance, to Appalachian communities to help leverage funds for assessment, cleanup, and redevelopment of brownfields; and
 - collaboration in joint projects or proposal reviews for competitions sponsored by either agency.
- C. Jointly develop and support research that addresses brownfields issues. This joint research agenda could include short-term investigations as well as longer-

term research, the development of performance measures and benchmarks for joint programmatic initiatives, and preparation of guidance materials to help Appalachian states and localities more effectively address brownfields and rural economic development.

IV. Programming, Budgeting, Funding, and Reimbursement Arrangement

- A. This MOU is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement or contribution of funds between the parties to this MOU will be handled in accordance with applicable laws, regulations and procedures, and will be subject to separate subsidiary agreements that shall be effected in writing by representatives of both parties. Any expenditures of funds from EPA's Superfund appropriation must meet applicable requirements under sections 104 relating to response actions and 311 relating to research, training and other activities of the Comprehensive Environment Response, Compensation and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) and implementing regulations.
- B. This MOU in no way restricts EPA or ARC from participating in similar activities or arrangements with other entities or Federal agencies.
- C. Nothing in this MOU shall obligate EPA or ARC to expend appropriations or to enter into any contract or other obligations.

V. Authorities

This MOU is entered into consistent with the following authorities:

- The Comprehensive Environment Response, Compensation and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA).
- The Emergency Planning and Community Right-to-Know Act (EPCRA), also known as SARA Title III; the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA) including Subtitle C (hazardous waste), Subtitle D (solid waste), Subtitle I (underground storage tanks); Subtitle J (otherwise known as the Medical Tracking Act of 1988); The Oil Pollution Act of 1990 (OPA); and any other authorities appropriate to implement this agreement.

- Section 102(2)(G) of the National Environmental Policy Act of 1969, as amended, (NEPA); and Executive Order 12898 on Environmental Justice.
- Appalachian Regional Development Act of 1965, as amended (ARDA).

VI. Effective Date

This MOU will become effective upon signature by the Parties hereto and shall remain in effect until termination by either Party. Either Party may terminate this MOU upon 90 days written notice to the other party. Its provisions will be reviewed annually and amended or supplemented as may be agreed upon mutually.

VII. Other MOUs

There are no superseding MOUs on this topic between the parties hereto.

Timothy Fields, Jr.
Assistant Administrator
Office of Solid Waste and
Emergency Response
U.S. Environmental Protection
Agency

Jesse L. White, Jr.,
Federal Co-Chairman
Appalachian Regional Commission

(Date)

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